

 **Davis Miles**

**McGuire Gardner**

80 E. Rio Salado Pkwy., Ste. 401

Tempe, AZ 85281

Telephone: (480) 733-6800

Fax: (480) 733-3748

efile.dockets@davismiles.com

Scott F. Gibson - SBN 10884

SGibson@DavisMiles.com

*Attorneys for Defendants*

**UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA**

JAMES ARNETT,

Plaintiff,

vs.

BENJAMIN SNOW HOWARD, LIFELINE  
MEDIA LLC, a Texas entity, NATIONWIDE  
AFFORDABLE HOUSING, a Texas  
corporation, and the BEN HOWARD TRUST,  
an IDAHO TRUST,

Defendants.

**CASE NO. CV-12-0311-TUC-DTF**

**REPLY IN SUPPORT OF MOTION TO  
STRIKE PLAINTIFF'S "MOTION TO  
FILE PRIMA FACIE EVIDENCE ON  
DISC"**

**(Assigned to Magistrate Judge D.  
Thomas Ferraro)**

Defendants Benjamin Snow Howard ("Howard"), Lifeline Media LLC  
("Lifeline"), Nationwide Affordable Housing ("NAH"), and the Ben Howard Trust ("the  
Trust") hereby reply to Plaintiff's "Opposition to Motion." Defendants' original motion to

1 strike<sup>1</sup> Plaintiff's "Motion for Leave to File Prima Facie Evidence on Disc"<sup>2</sup> was based on  
2 the fact that Plaintiff's Motion is not authorized by any statute, rule, or Court order.  
3  
4 Plaintiff's response cites no authority for the Motion other than Rule 15(a) of the Federal  
5 Rules of Civil Procedure. Rule 15(a) is for amending pleadings—not for submitting  
6 evidence in support of pleadings and not for responding to the grounds raised in  
7 Defendants' motion to dismiss. Plaintiff fundamentally misunderstands the Rules and is  
8 making this litigation more costly, complex, and time-consuming than it needs to be.  
9

10 For these reasons, Defendants request that the Court either deny or strike Plaintiff's  
11 Motion.  
12

13 RESPECTFULLY SUBMITTED this 8<sup>th</sup> day of November, 2012.  
14

15 **DAVIS MILES MCGUIRE GARDNER, PLLC**  
16

17 By /s/ Scott F. Gibson  
18 Scott F. Gibson  
19 80 E. Rio Salado Pkwy., Ste. 401  
20 Tempe, AZ 85281  
21 *Attorneys for Defendants*  
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28 1 (Document 28).  
2 (Document 24).

CERTIFICATE OF SERVICE

I hereby certify that on November 8, 2012, I electronically transmitted the foregoing document to the Clerk's Office using the CM/ECF System for filing, mailed a copy via regular U.S. mail to the following, and transmitted a Notice of Electronic Filing to the following CM/ECF participants:

Magistrate Judge D. Thomas Ferraro  
United States District Court  
Evo A. DeConcini U.S. Courthouse  
405 West Congress Street, Suite 6660  
Tucson, AZ 85701

James Arnett  
9288 N. Monmouth Court  
Tucson, AZ 85742  
*Plaintiff Pro Per*

/s/ Annette T. Hernandez